

In The Matter Of:

Jason Jordan, et al.

vs.

Premier Entertainment Biloxi, et al.

Amanda Flannigan

April 2, 2014

MERRILL CORPORATION

Legalink, Inc.

311 South Wacker Drive
Suite 300
Chicago, IL 60606
Phone: 312.386.2000
Fax: 312.386.2275

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JASON JORDAN; ALYSSA JORDAN,
INDIVIDUALLY AND ON BEHALF OF
THE ESTATE OF UNBORN BABY JORDAN,
DECEASED AND ON BEHALF OF ALL OF
THE HEIRS AT LAW AND WRONGFUL DEATH
BENEFICIARIES OF UNBORN BABY JORDAN,
DECEASED; AND CHRISTOPHER SOUKUP PLAINTIFFS

VS. CIVIL ACTION NO. 1:13cv195 LG-JMR

PREMIER ENTERTAINMENT BILOXI, LLC d/b/a
HARD ROCK HOTEL & CASINO BILOXI; THE
CITY OF BILOXI, MISSISSIPPI; DOE
DEFENDANT ONE; JOSHUA HAMILTON, IN HIS
OFFICIAL AND INDIVIDUAL CAPACITIES;
DOE DEFENDANT THREE; DOE DEFENDANT
FOUR; DOE DEFENDANT FIVE AND DOE
DEFENDANTS 6-10 DEFENDANTS

DEPOSITION OF AMANDA FLANNIGAN

Taken at the offices of Page, Mannino,
Peresich & McDermott, 759 Howard Avenue,
Biloxi, Mississippi, on Wednesday, April
2, 2014, beginning at approximately
10:49 a.m.

REPORTED BY:

JANNA WHITE, CSR #1312
Merrill Legal Solutions
Post Office Box 14113 (39236)
4400 Old Canton Road, Suite 160
Jackson, Mississippi 39211
Telephone: (601) 366-9676
Fax: (601) 366-9756

1(800)372-DEPO

1 APPEARANCES:

2
3 THOMAS J. BELLINDER, ESQUIRE
4 Martin & Bellinder
5 351 Edgewood Terrace Drive
6 Jackson, Mississippi 39206
7 Telephone: (769) 257-6052
8 Fax: (769) 257-6596
9 Email: Thomas.Bellinder@gmail.com
10 ATTORNEY FOR THE PLAINTIFFS

11 DAVID W. STEWART, ESQUIRE
12 Copeland, Cook, Taylor & Bush, P.A.
13 2781 C.T. Switzer, Sr. Drive
14 Biloxi, Mississippi 39531
15 Telephone: (228) 863-6101
16 Fax: (228) 868-9077
17 Email: Dstewart@cctb.com
18 ATTORNEY FOR PREMIER ENTERTAINMENT
19 BILOXI, LLC, d/b/a HARD ROCK HOTEL
20 & CASINO BILOXI

21 AUSTIN CLARK, ESQUIRE
22 Russell S. Gill, PLLC
23 638 Howard Avenue
24 Biloxi, Mississippi 39530
25 Telephone: (228) 432-0007
Fax: (228) 432-0025
Email: Rsgill@datasync.com
ATTORNEY FOR THE JOSHUA HAMILTON

TERE R. STEEL, ESQUIRE
Page, Mannino, Peresich & McDermott
759 Howard Avenue
Vieux Marche Mall
Biloxi, Mississippi 39533
Telephone: (228) 374-2100
Fax: (228) 432-5539
Email: Tere.steel@pmp.org

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Examination by:	Page
Mr. Bellinder	5
Ms. Steel	53
Mr. Clark	60
Mr. Bellinder	61
Stipulation	4
Certificate of Reporter	67
Witness Signature Sheet	68

EXHIBITS

(Exhibits 1 and 2 were marked in Jason Strong's
deposition and are not attached.)

Exhibit 3 - Hard Rock Casino Statement Form	41
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STIPULATION

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys of record, that this deposition may be taken at the time and place hereinbefore set forth, by Janna White, C.S.R., Court Reporter and Notary Public, pursuant to the Federal Rules of Civil Procedure, as amended;

That the formality of READING AND SIGNING is specifically NOT WAIVED;

That all objections, except as to the form of the questions and the responsiveness of the answers, are reserved until such time as this deposition, or any part thereof, may be used or is sought to be used in evidence.

1 AMANDA FLANNIGAN,
2 having been duly sworn, was examined and
3 testified as follows:

4 EXAMINATION

5 BY MR. BELLINDER:

6 Q. Good morning.

7 A. Good morning.

8 Q. We met just a moment ago. My name is
9 Thomas Bellinder. I represent Mr. and Mrs Jordan
10 and Mr. -- I call him Chris. Soukup? I mess his
11 name up.

12 A. Soukup.

13 Q. Soukup, as it relates to some incidents
14 that took place at the Hard Rock back in
15 November of 2011.

16 Again, for the record, the deposition
17 is being taken per the Rules of Civil Procedure.
18 I'm going to be asking you a series of questions
19 about your involvement and what you remember about
20 that particular incident.

21 Have you ever given a deposition like
22 this before?

23 A. No.

24 Q. I don't like talking rules because that
25 seems a little too binding. These are more so

1 guidelines about what this is and what we are
2 doing today. This is a deposition. We are doing
3 this, it's sworn under oath, the same way as if we
4 were in front of a judge, but very -- a less
5 formal process. We're all here to sort of gather
6 some facts about what took place that day. You
7 are under oath and sworn to tell the truth. The
8 same way as if we were in court. But the process
9 will be a little less formal.

10 If you would, just please answer the
11 questions to the best of your knowledge. Don't
12 ever feel compelled to give a yes or no answer.
13 If you don't know the answer to a particular
14 question, I don't know is a perfectly fine answer.
15 If you would -- and I have a bad problem with this
16 and a lot of people do. We may get into sort of a
17 casual conversation, and so we have a tendency to
18 nod our head yes or no. We may say uh-huh or
19 huh-uh, where you and I understand exactly what we
20 are saying. She's got to take down a record, so
21 that way in the event we need to look back on it,
22 we need to see exactly what it is. So if you will
23 answer audibly, I'll try to do the same.

24 Also, we have a bad problem with this.
25 Sometimes you'll know what I'm about to ask you,

1 and you'll go ahead and start answering or I'll
2 preempt your answer with another question, which
3 is a very bad practice. She's also got to
4 separate our questions and answers. So if you
5 will give me a chance to finish my question, I'll
6 do everything I can to give you a chance to finish
7 your answer.

8 A. Sure. No problem.

9 Q. Then, also, to speed things up a little
10 bit, anytime I ask you any questions about a
11 conversation you had, something you saw, a person
12 you talked to, anything, it will always call for
13 your personal knowledge of that particular subject
14 matter area. You can't be compelled to give
15 testimony about something you don't have personal
16 knowledge of.

17 A. Okay.

18 Q. Sound good?

19 A. Uh-huh.

20 Q. Okay. If you would, state your full
21 name for us.

22 A. Amanda Flannigan.

23 Q. Ms. Flannigan, where do you currently
24 reside?

25 A. Ocean Springs, Mississippi.

1 Q. How long have you lived there in Ocean
2 Springs?

3 A. A year.

4 Q. Before -- if you don't mind, what's
5 your address?

6 A. 292 McCool Street, Ocean Springs,
7 Mississippi.

8 Q. Before Ocean Springs, or before that
9 address, where did you reside?

10 A. In D'Iberville.

11 Q. How long did you live in D'Iberville?

12 A. Six years.

13 Q. The same address in D'Iberville -- or
14 did you live at one address in D'Iberville?

15 A. Yes, only one address.

16 Q. Prior to D'Iberville, where did you
17 reside?

18 A. In North Carolina.

19 Q. How long did you live there?

20 A. Seventeen years.

21 Q. Are you currently married?

22 A. Yes.

23 Q. Who is your current spouse?

24 A. Michael Flannigan. We are separated
25 though, so.

1 Q. Had you ever been married prior to
2 Michael?

3 A. No.

4 Q. Do you have any children?

5 A. One.

6 Q. Let me ask you this: Is your child
7 over the age of 18?

8 A. No.

9 Q. And a lot of what we do -- and I like
10 to preface this, too, because if it sounds funny,
11 two things, of course, to get to know some of
12 these background questions. But then, also, in
13 the event that we would ever have to pick a jury
14 on the case like this, we've got to make sure that
15 nobody within a close relation to us or that has
16 some type of special relationship is related to
17 any of the lawyers, the parties or the witnesses.
18 Depending on what day it is, I may want my wife on
19 the jury, I mean, it just kind of depends on what
20 took place that morning. But that's sort of why
21 we do all this.

22 Let me ask you like this: Do you have
23 any close relatives, mom and dad, cousins, aunts,
24 uncles, anyone who resides in the South
25 Mississippi area?

1 A. I have a father.

2 Q. What's your dad's name?

3 A. Joseph McCaleb.

4 Q. M-C?

5 A. M-C-C-A-L-E-B.

6 Q. Anybody else that's a close relation to
7 you that resides in South Mississippi?

8 A. No.

9 Q. What is your date of birth?

10 A. 2/7/75.

11 Q. Tell me just briefly your educational
12 background. You can hit the highlights. You
13 don't have to tell me --

14 A. Graduated high school.

15 Q. Where did you graduate from?

16 A. Winder Park High School in Florida.

17 Q. Did you go to college?

18 A. No.

19 Q. Military background?

20 A. No. My father was in the Marine Corps,
21 so I grew up on military bases.

22 Q. After high school, did you have any
23 post-graduate education?

24 A. No.

25 Q. Any coursework, tech schools, anything

1 like that?

2 A. I was a restaurant manager for Burger
3 King, so I did restaurant training.

4 Q. Same way as we did with your education,
5 if you will hit the highlights of your work
6 background.

7 A. Fifteen years at Burger King.

8 Q. Is that in Florida?

9 A. No. In North Carolina. And two years
10 at the IP Casino in the hotel.

11 Q. Is that the IP here in Biloxi?

12 A. Yes, Mississippi, yeah. And the Hard
13 Rock.

14 Q. How long have you been at the Hard
15 Rock?

16 A. Since 2010 maybe.

17 Q. The two years you did at IP, that was
18 directly before the Hard Rock?

19 A. Yes.

20 Q. What was your job title at the IP?

21 A. Front desk manager.

22 Q. That was your position the whole time?

23 A. Uh-huh.

24 MR. STEWART:

25 Answer yes.

1 A. Yes, I'm sorry. I was a front desk
2 clerk before I became a manager, though.

3 Q. So you were front desk clerk and then
4 became manager?

5 A. Yes.

6 Q. How long were you manager at IP?

7 A. Probably a year and a half. I think I
8 was only a clerk for maybe six months.

9 Q. When you came to the Hard Rock in 2010,
10 what was your position at that point?

11 A. Security officer.

12 Q. Were you a security officer this day,
13 November 27, 2011?

14 A. Yes.

15 Q. Are you still in that same position?

16 A. No.

17 Q. What is your position now?

18 A. A beverage supervisor.

19 Q. Tell me what was your, we call them,
20 duties, but just your day-to-day responsibilities
21 as security officer when you started in 2010 up
22 through the time of this incident. What would
23 your day-to-day responsibilities be?

24 A. Just depending on what position I was
25 in. Sometimes if I was the officer that was

1 scheduled to be outside in the parking garage, I'd
2 patrol the garage. If I was scheduled on the
3 casino floor, I would do fills, tend to guests,
4 if, you know, there was a call about a stolen
5 ticket or something. If I was scheduled to work
6 the door, I would check I.D.'s at the door. It's
7 just depending on what position I was put at,
8 pretty much everything, dispatch.

9 Q. Depending on what particular position
10 within the security realm that you would have been
11 doing that day, that's what depended on your
12 duties?

13 A. Exactly.

14 Q. How would you receive your duties for
15 that day? Were you trained on them initially, or
16 do you each day -- say, okay, today you're going
17 to be working the door and so today I need you to
18 do X, Y and Z?

19 A. You're trained on them initially, and
20 then if you know what you're doing, then you're
21 moved to other positions.

22 Q. They train you on the whole gamut as
23 far as each position goes when you first come in?

24 A. Yes.

25 Q. And then, from that point on -- from

1 that point on, do you have any follow-up or
2 continuing training, continuing education type of
3 deal to help you in what you do as a security
4 officer?

5 A. I'm not understanding something.

6 Q. Do they have you submit to periodic
7 follow-up training or, you know, classes,
8 coursework, anything like that?

9 A. Well, it depends. There is follow-up
10 CARE training. There is follow-up first aid
11 training. There is report writing classes. It's
12 just depending on what training you're
13 specifically talking about.

14 Q. Anything related to specifically to
15 providing security for the hotel?

16 A. Well, that would be what the training
17 is initially, I would assume.

18 Q. Follow-up care, that's involving
19 guests, how to deal with guests?

20 MR. STEWART:

21 CARE is C-A-R-E. It's an acronym.

22 MR. BELLINDER:

23 Q. Tell me what the acronym stands for.

24 A. I couldn't tell you. I'd have look at
25 my card. I don't even know if I have that card

1 with me. I really don't know to be honest.

2 Q. Just generally. We're not going to --

3 A. It's basically how to look for any kind
4 of things out of the ordinary, guest behavior,
5 signs of anything.

6 MR. STEWART:

7 I know the acronym if you want it.

8 MR. BELLINDER:

9 Go ahead.

10 MR. STEWART:

11 Controlling Alcohol Risks Effectively.

12 MR. BELLINDER:

13 Q. How often is that CARE course given; do
14 you know?

15 A. I think we are good for two years
16 maybe, I think they only have to be renewed every
17 two years, but I'm not quite sure on that.

18 Q. Is that like a certificate or a --

19 A. You get a certificate. You also get a
20 card that you carry with you.

21 Q. About every two years?

22 A. I'm not quite sure, but I'm thinking
23 that.

24 Q. Had you been through the CARE program
25 prior to this particular incident?

1 A. I'm not sure.

2 Q. Okay. Report writing, that was a
3 formal course that they took you through?

4 A. Later on. I don't think before this
5 incident because -- yeah, I don't think -- I was
6 just a guard then, a security officer.

7 Q. You wouldn't have went through the
8 report writing course before this, you said?

9 A. No.

10 Q. Any other training or subsequent things
11 that you would have went through to aid in your
12 duties as a security officer?

13 A. No.

14 Q. Do you remember about how long your
15 training was initially?

16 A. I don't remember.

17 Q. Prior to this, did you know Chris in
18 any way?

19 A. Chris?

20 Q. Chris --

21 A. No.

22 Q. -- Soukup?

23 A. No.

24 Q. Did you know Jason Jordan prior to
25 this?

1 A. No.

2 Q. Did you know Alyssa Jordan prior to
3 this?

4 A. No.

5 Q. Never met any of them?

6 A. No.

7 Q. Did you know Matthew Martin prior to
8 this?

9 A. No.

10 Q. At the time when this took place, you
11 were an employee of Premier Entertainment Biloxi,
12 LLC, I think is the corporate name?

13 A. Yes.

14 Q. You're not an independent contractor,
15 or you don't receive like a 1099 as a separate
16 wage?

17 A. No.

18 Q. You're an actual employee in the
19 meaning of the word?

20 A. Yes.

21 Q. On the day when this -- November 27,
22 2011, you were and today you are an employee?

23 A. Yes.

24 Q. Have you been convicted of any crime in
25 the last ten years?

1 A. No.

2 Q. You were present on this evening. You
3 were on duty; is that right?

4 A. Yes.

5 Q. Were you on the swing shift or the
6 grave shift, I think you call it?

7 A. I was a little bit of both. I would
8 come in sometimes at 4:00 in the evening and work
9 until the club closed, being it may be 3:00, it
10 may be 4:00. Because I would also do the concerts
11 and then the nightclubs.

12 Q. The club that's involved in this is
13 called The Ledge?

14 A. Was.

15 Q. Was called The Ledge. It's got some
16 other name now.

17 A. Yes.

18 Q. Do you remember on this particular
19 night, do you remember what the hours of the
20 nightclub were, when it opened and when it closed?

21 A. Probably would have opened it after a
22 concert being that it was on a Friday or a
23 Saturday, correct --

24 Q. Yes.

25 A. -- the night in question? Normally we

1 have concerts, so I would think probably 9:30,
2 10:00, whenever the concert was over.

3 Q. And it would have closed at what time?

4 A. I'm not quite sure. Sometimes 3:00,
5 sometimes 2:00.

6 Q. It didn't having a set closing time; it
7 would have been dependent on --

8 A. No, based on the demand of business.

9 Q. Right. Traffic.

10 A. Pretty much, yeah.

11 Q. So do you remember exactly what time
12 you got to work that day or night, on the day
13 before I guess?

14 A. No. It could have been anywhere
15 between 4:00 p.m. and 8:00 p.m.

16 Q. And you've seen the surveillance videos
17 of this particular incident?

18 A. Yes.

19 Q. When was the last time you saw them?

20 A. Yesterday.

21 Q. In preparing for your deposition, did
22 you review any documents?

23 A. My statement.

24 Q. Other than your statement, did you
25 review any other documents?

1 A. No.

2 Q. Did you talk to anybody? And I'll
3 preface it by saying we're not entitled to know
4 what you talked to the lawyer for the casino
5 about. Did you talk to anybody else who was there
6 that night, any other family members, anybody else
7 that you confide in, did you talk to anybody about
8 the incident?

9 A. No.

10 Q. Do you have what we call an independent
11 recollection of the incidents that night? What I
12 mean by that is, aside from looking at the video,
13 aside from looking at your statement, do you
14 specifically remember things about that night?

15 A. Vaguely.

16 Q. Tell me what you specifically remember
17 about it. And then we'll talk about some other
18 specifics.

19 A. I remember working that night, and I
20 remember the night club. And I can remember the
21 altercation a little bit. That's about it.

22 Q. Tell me what you remember seeing as it
23 relates to the altercation.

24 A. I just remember seeing Soukup hitting
25 Jordan. I pulled Soukup. And that's about it. I

1 put Soukup -- you know, talked him over. And
2 that's it. And I remember the wife yelling.
3 That's probably about all.

4 Q. Do you remember or have you seen on the
5 video, does it reflect anywhere someone putting
6 their hands around Soukup's throat?

7 A. I'm not understanding.

8 Q. Do you recall him being up against the
9 wall and one or more of the security guards having
10 their hands around his throat?

11 A. No, not at all.

12 Q. At what point during the altercation
13 did you actually arrive on scene? Did you see the
14 altercation begin?

15 A. Well, from what I saw that was, I
16 thought was the beginning, I assume was the
17 beginning, was when Soukup was hitting Jordan, I
18 think is his name.

19 Q. The guy that was --

20 A. The male.

21 Q. -- drug out by the police, the one that
22 was on the floor?

23 A. Yes.

24 Q. That's Jordan. And so --

25 MS. STEEL:

1 Object to the form.

2 MR. BELLINDER:

3 Q. Go ahead.

4 Okay. So when you arrived, tell us
5 where you arrived from. What were you doing just
6 before this incident took place; do you remember?

7 A. There is no telling.

8 Q. So you arrive on scene, and you see --
9 you say you saw Chris hitting Jason, Soukup
10 hitting Jordan. Were they on the floor; were they
11 standing?

12 A. They were on the -- Soukup had him on
13 the floor. He was on the floor. Soukup was
14 hitting him. I pulled them apart.

15 Q. Is this reflected on the surveillance
16 footage? Have you seen that part of it actually
17 on the video?

18 A. No.

19 Q. What happened immediately after you
20 arrived? What actions did you take?

21 A. I came in for a wheelchair because I
22 was going to get someone out of the club that was
23 intoxicated initially. And then, when I got in
24 there, bringing the wheelchair in, that's when
25 Soukup was hitting Jordan. And I pulled Soukup

1 off and then went to talk to him over at the wall
2 to find out exactly what was going on.

3 Q. So you physically removed Soukup from
4 Jordan? See what I mean by that?

5 A. I physically removed --

6 Q. Pulled him off. You physically grabbed
7 him and separated them.

8 A. Yes, I separated them. I separated
9 them.

10 Q. The wheelchair you brought, you say you
11 brought it in for an intoxicated patron?

12 A. Yes, probably.

13 Q. Was that one of these individuals, or
14 was that somebody else?

15 A. It could have been someone else.

16 Q. Okay.

17 A. Yeah.

18 Q. It's not necessarily that the
19 wheelchair was brought for Jordan or brought for
20 Soukup?

21 A. No. It could have been brought for
22 anyone because -- yeah.

23 Q. You just had it.

24 A. I would have got called. The only time
25 I bring wheelchairs is if I get called if there is

1 a guest that's either throwing up, could be sick.

2 So I came in with a wheelchair when I --

3 Q. We don't know for certain if it was
4 brought for Jordan or anybody else?

5 A. I don't remember.

6 Q. Okay. Then you pull Jordan. You
7 separate them. And then what happens next?

8 A. I talk to him. Tell him -- you know, I
9 was trying to find out what's going on. That's
10 all I remember, is talking to him, just trying to
11 find out exactly what's going on.

12 Q. Was he being violent at that point?

13 MS. STEEL:

14 Object to form. Who are we talking
15 about?

16 MR. BELLINDER:

17 Q. Talking about Chris. We're talking
18 about Soukup, the one that you restrained. You
19 just said you had -- you were talking to Chris,
20 right?

21 A. Uh-huh.

22 Q. Was he being violent? Was he being --
23 what was his demeanor at that point?

24 A. I -- well, it just really depends on
25 how you mean "violent."

1 Q. Was he being aggressive towards you?

2 A. He was very upset and irritated and
3 yelling. And I'm trying to calm him down. She
4 was also yelling. They were very -- he was very
5 pumped up, and I just kept saying, what is going
6 on, you need to calm down, tell me exactly what's
7 going on.

8 Q. She, you meant Alyssa?

9 A. The wife, his wife, yes.

10 Q. Chris's wife?

11 A. Soukup's wife, yes.

12 Q. She's also there.

13 A. Yes.

14 Q. So, at this point, is he putting
15 anybody else in danger?

16 A. He's threatening.

17 Q. What is he threatening?

18 A. I distinctly remember him using the
19 phrase, This is how we handle stuff in the
20 military.

21 Q. So you took that to mean putting
22 someone else in danger or --

23 A. Because I asked him, What is going on,
24 why are you hitting this guy. He said, This is
25 how we handle stuff in the military. And I said,

1 This is not how we handle stuff at the Hard Rock.

2 Q. So what do you do at that point during
3 this --

4 A. I'm still keeping him separate. I'm
5 just talking to him. I don't know how much time
6 went by.

7 Q. Where is Jordan at this point?

8 A. I have no idea, to be honest with you.

9 Q. Did you see Jordan -- after you
10 separate them, you've got Chris on the other side,
11 do you see Jordan at any point?

12 A. I don't recall.

13 Q. At some point you called -- or you got
14 on the radio?

15 A. Yeah, I had a mic on.

16 Q. Do you remember, what did you say when
17 you got on the radio?

18 A. I don't know.

19 Q. Fight involved or --

20 A. I don't know. I probably would have
21 said 416, a fight. That's probably what I would
22 have said on the radio. That's normally what I
23 would do per protocol.

24 Q. Then, at some point, did somebody else
25 come to help you?

1 A. Yes.

2 Q. Who came to help you?

3 A. Other guards. Jason, my security
4 manager.

5 Q. That would be Jason Strong?

6 A. Uh-huh.

7 MR. STEWART:

8 Yes?

9 A. Yes. I'm sorry.

10 MR. BELLINDER:

11 Q. Do you remember the other security
12 guards that came, also?

13 A. Like from memory, I wouldn't remember.
14 But from seeing the video, some of the video
15 yesterday, it was Cleo, John Brown, and then Beau
16 Hooks, I think. John Dixon, he was also there
17 during that particular time.

18 MR. STEWART:

19 So I don't forget, there was a guy we
20 identified as Prentiss, somebody. We don't
21 think -- looking at that, that was based on just
22 looking at the video. Showing it to her, she
23 doesn't remember. That probably is not the same
24 person.

25 THE WITNESS:

1 No.

2 MR. BELLINDER:

3 I may just show her briefly --

4 MR. STEWART:

5 Do you understand what I'm saying?

6 MR. BELLINDER:

7 Yes.

8 MR. STEWART:

9 She said that guy, that's why he is
10 listed. But looking at it again, that's probably
11 not who --

12 MR. BELLINDER:

13 It may not be the same guy. No
14 problem.

15 Q. Okay. What do you remember happening
16 after that?

17 A. I don't really remember.

18 Q. Let me just help you and to speed
19 things up a little bit, I'll show you a little
20 piece of this. And now, for the record, what we
21 are referencing is going to be, it's called
22 monitor one or each of the files is numbered one
23 through ten. So this will be one.

24 MS. STEEL:

25 Are you going to show her?

1 MR. BELLINDER:

2 Yeah, we are going to show her.

3 Q. We are going to start it about 1:20.

4 Can you see that?

5 A. Yeah.

6 Q. That's as big as I can make it.

7 MR. STEWART:

8 Is that the extended view?

9 MR. BELLINDER:

10 That's full screen.

11 MR. STEWART:

12 Go to the right, right click on it, put
13 your cursor on it and right click. Hit that.

14 MR. BELLINDER:

15 Will I still be able to skip?

16 MR. STEWART:

17 Yes, it pops up.

18 MR. BELLINDER:

19 Q. So we start about 1:20. 11/27. The
20 clock says 2:36. Appears to be a scuffle going on
21 there. And then, if we back it up just a bit --

22 Right here, is this you with the pony
23 tail?

24 A. That's me.

25 MS. STEEL:

1 We've got glare over here.

2 THE WITNESS:

3 There we go. That's me with the bun,
4 yes.

5 MR. BELLINDER:

6 Q. With the bun is you. This appears to
7 be Chris Soukup.

8 A. Soukup.

9 Q. Is that his wife behind him?

10 A. Yes, I would assume, yes.

11 Q. So 2:36:36 seconds, we've got you --
12 this is essentially, he is apart. He is not near
13 where Jordan is; is that right?

14 A. No.

15 Q. That's up against the wall. And there
16 is the wheelchair that we've been talking about.

17 Okay. This appears to be the scuffle,
18 the altercation. Who is this gentleman here?
19 Looks like -- I can't tell the color. It may be a
20 gray shirt.

21 A. I'm not sure.

22 Q. You're not sure who that is?

23 MR. STEWART:

24 Which guy are you pointing to?

25 MR. BELLINDER:

1 This guy, right here. The guy that has
2 Jordan's hands.

3 Q. Do you know who either of these two
4 gentlemen are?

5 A. That one, the first one that you told
6 me, looks like John Dixson.

7 Q. The bigger guy is John Dixson. What
8 about the second big man that comes in?

9 A. John Brown. Looks like John Brown,
10 John Dixson.

11 Q. Okay. And then, the third guy?

12 A. I don't know. I don't have any idea
13 who that is.

14 MS. STEEL:

15 Point to the third guy.

16 MR. BELLINDER:

17 The guy from the floor, appears to be
18 around his feet.

19 MR. STEWART:

20 And you're basing this just on her view
21 of the video, not --

22 MR. BELLINDER:

23 Q. Right. You don't remember this --
24 well, to be specific, you're on the other -- how
25 far away is where you're standing from where this

1 is going on?

2 A. Probably from the end of this table to
3 that door maybe.

4 Q. Maybe 15 feet?

5 A. Fifteen, 20 feet probably.

6 Q. And per the video and per your memory,
7 you're facing Soukup. So your back would be to
8 whatever else was going on.

9 A. Yeah, I wouldn't have seen that.

10 Q. You're talking to Soukup at this time,
11 but this is only per viewing the video.

12 A. Yes.

13 Q. Okay. So you say you did know the
14 third guy that was around his feet. But that
15 appears to be John Brown, John Dixson, the bigger
16 guys that came into the frame?

17 A. Yeah.

18 Q. That's you again?

19 A. Yeah.

20 Q. We are flashing back and forth. But
21 that's your -- you're having a conversation that
22 we talked about with Soukup.

23 A. Yes.

24 Q. At this point, you're here, and there
25 appears to be -- there is some movement. Walk

1 from the original location to a different
2 location. Okay. And here we see, this appears to
3 be a security guard here. Is that right? Can you
4 tell? It's kind of a reverse view of him but --

5 MS. STEEL:

6 What is the time on the video?

7 MR. BELLINDER:

8 2:38 and five seconds. With the
9 smaller version, I can actually tell you how far
10 in it is.

11 MR. STEWART:

12 You can exit out if you want to.

13 MR. BELLINDER:

14 About three minutes in. Yes, we are
15 about three minutes in.

16 Q. Now, what I wanted to ask you about a
17 little earlier, during all this flashing around,
18 here we see, you're pointing, and you guys are
19 leaving the area where you were. Do you remember
20 this part of the conversation?

21 A. I don't.

22 Q. At this point, did you tell him to
23 leave?

24 A. No. I would have said, Let's go out
25 here so we can figure out what's going on. That's

1 normally what I would do.

2 Q. Out here, is leaving The Ledge, leaving
3 the night club?

4 A. You go outside of the night club where
5 you can go into what's like a foyer, I call it, a
6 corridor, and you can close the glass doors where
7 you can actually hear. But you can't really hear
8 too much with the music going on.

9 Q. When you first initiate conversation
10 with Soukup, you guys are inside the actual
11 nightclub?

12 A. Yes.

13 Q. And then, from here we're walking
14 outside the nightclub to the foyer?

15 A. The foyer, yeah.

16 Q. Are these also security guards here?

17 A. Yes.

18 Q. Do you recognize them?

19 A. Cleo and Nathan, yes.

20 MS. STEEL:

21 What time is that?

22 MR. BELLINDER:

23 This is three minutes, 17 seconds, into
24 the video. It's 2:38 and 21 seconds.

25 Q. This is Jordan on the floor here,

1 correct?

2 A. Yes.

3 Q. Who is this gentleman; do we know?

4 A. I don't know. I have no idea.

5 Q. Do we know this guy here?

6 A. That's Jason Strong.

7 Q. That's Jason.

8 A. Yes.

9 Q. That's you talking to a female?

10 A. Yes.

11 Q. Do you recall your conversation with
12 her?

13 A. I don't.

14 Q. Because we don't have an audio of this,
15 right?

16 A. We don't.

17 Q. These cameras don't have audio.

18 Do you know either of these two people?

19 Were these two ever identified?

20 A. I don't know. The one is the girl
21 friend or wife, I guess, of Jordan.

22 Q. Of Jordan. And you're talking to her
23 at this point, right?

24 A. Yeah. I'm telling her to calm down
25 probably. I don't remember the conversation, but

1 I'm sure that's probably what I was telling her.

2 Q. Do you remember what she was saying?

3 A. No.

4 Q. Do you know the guy behind her?

5 A. I don't know him.

6 Q. Or this guy that walked up with the
7 vest on?

8 A. I don't know him either.

9 Q. So what have we've got going on with --
10 that's Brown or Dixson. We're not sure who he is.
11 He's got, it looks like, his knee in Jordan's
12 lower back --

13 MR. STEWART:

14 Object to the form.

15 MR. BELLINDER:

16 Q. -- and his weight on the rest of his
17 body. You're kind of standing behind him right
18 there. Do you remember that?

19 A. I don't remember it.

20 Q. Okay. So you're still here with
21 Jordan. Do you have any other communications with
22 Chris Soukup?

23 A. No. I don't think -- I wouldn't think
24 I did. I don't recall.

25 Q. Do you recall Jordan's condition at

1 this point?

2 A. Yelling and screaming and being very
3 boisterous with foul language.

4 Q. What's he's saying?

5 A. Yelling a lot of obscenities and, you
6 know, leave me alone, pretty much. But his wife
7 was trying to calm him down, as well.

8 Q. Do you know whether or not he was
9 injured at this point?

10 A. I don't recall.

11 Q. Do you remember -- and these are --
12 these appear to be the police; is that right? Is
13 this Biloxi police here?

14 MS. STEEL:

15 What's the frame? What time is it?

16 MR. BELLINDER:

17 5:58 in. We're about 2:41 in the
18 morning.

19 A. Yeah, I guess -- yeah, it looks like
20 the police.

21 Q. And what are you doing at this point?

22 A. Probably just helping keep people from
23 around. I don't -- where am I at? Oh, I see now.
24 I'm trying to direct people. That's me pointing.

25 Q. Pointing --

1 A. Yeah.

2 Q. -- to clear the area?

3 A. To get them out of the way, yeah. And
4 that's Brian Mobley, another guard.

5 Q. This one here?

6 A. Yes. And he's -- I'm blocking the door
7 so no one can come up.

8 Q. So once the police arrive, they are
9 sort of -- I guess we'd call it jurisdiction. But
10 they take over any incidents once the police are
11 there; is that right?

12 A. Yes.

13 Q. Anything that's -- you've got a guest
14 issue, if there is somebody being disorderly, if
15 there is somebody drunk, if the police get there,
16 then the security are secondary or do what the
17 police ask them to do?

18 A. Yes.

19 Q. So now, at this point, this is where we
20 begin the issue of him being drug through the
21 casino.

22 MS. STEEL:

23 Object to the form.

24 MR. BELLINDER:

25 Q. You don't have any involvement in this;

1 is that right?

2 A. No. I am involved by walking with him
3 and --

4 Q. You're walking with him. At this point
5 it looks like you're reaching down.

6 A. Trying to pull his pants --

7 Q. Pull his pants up.

8 A. -- around the belt loop, I guess.

9 Q. Is that Alyssa with you?

10 A. That's, I guess, his wife.

11 Q. Jordan's wife?

12 A. I guess. I don't recall. Yeah. I
13 guess that's Jordan's wife.

14 Q. Do you remember what she was saying at
15 this point?

16 A. Yelling and screaming and threatening
17 and just --

18 Q. Threatening, what did she say?

19 A. Well, she is just yelling, screaming,
20 quit, don't make me have to hurt -- you know, quit
21 hurting my husband.

22 Q. She said, Don't hurt my husband or
23 don't make me have to hurt you?

24 A. Don't make me have to hurt you for
25 hurting my husband, pretty much. I kept telling

1 her to calm down.

2 Q. What was your thought process at this
3 point? What was going through your mind?

4 MS. STEEL:

5 Object to the form.

6 MR. BELLINDER:

7 What's the grounds?

8 MS. STEEL:

9 It calls for speculation.

10 MR. BELLINDER:

11 It's her state of mind when this is
12 going on. She can testify about what she's seen.

13 MS. STEEL:

14 If she recalls.

15 A. I really don't recall.

16 MR. BELLINDER:

17 Q. You don't remember what was going
18 through your mind?

19 A. I don't recall.

20 Q. And so what involvement, if any, did
21 you have subsequent to this point?

22 A. Just escorting.

23 Q. You just walked with him?

24 A. It just -- yeah, it just looks like
25 escorting.

1 Q. Did the police ask you anything at this
2 point?

3 A. I don't recall.

4 Q. Did they ask you what you saw; did they
5 ask you --

6 A. I don't remember.

7 Q. You did an incident report as it
8 relates to this incident?

9 A. Uh-huh.

10 MR. STEWART:

11 A statement or an incident report?

12 MR. BELLINDER:

13 Q. What did you do; did you do a
14 statement? Did you do a --

15 A. I did a statement.

16 Q. Have you had a chance to review your
17 statement since this --

18 A. Yes.

19 MR. BELLINDER:

20 We are going to mark that as next, 3.

21 (Exhibit 3 was marked.)

22 MR. BELLINDER:

23 Q. Okay. You gave this statement. It's
24 signed by you at the bottom, is that right, two
25 pages?

1 A. Yes.

2 Q. Do you remember when you gave this
3 statement?

4 A. It looks like 11/30/11 on the
5 statement.

6 Q. That's at the bottom of Page 1 and 2?

7 A. Yes.

8 Q. This would have been three days later?

9 A. Yes.

10 Q. Who would have requested that you give
11 this statement?

12 A. Probably Jason Strong.

13 Q. Is that his signature at the bottom of
14 each page also? Do you recognize?

15 A. I don't know.

16 Q. That's not your handwriting there for
17 those signatures, and that's not your handwriting
18 at the top, correct?

19 A. My handwriting is at the top.

20 Q. You see the very top, 11-043, under --

21 A. Oh, no. That's not my --

22 MR. STEWART:

23 Page 1 or --

24 MR. BELLINDER:

25 Q. They're both pages.

1 A. Page 1 and 2, no, that's not mine --

2 Q. That's not your handwriting?

3 A. -- on the top line.

4 Q. But then everything else is your
5 handwriting, correct?

6 A. Yes.

7 Q. And you said that there was a statement
8 writing class where everything -- they trained you
9 on making statements?

10 A. No.

11 Q. Subsequently to this incident, you
12 would have went to that class?

13 A. No. I went to a report writing class
14 after this incident.

15 Q. Report writing class.

16 A. It's report writing for when you have
17 incidents, not statements.

18 Q. So what's the difference between a
19 statement and a report?

20 A. A statement is your perception, I
21 guess, of what happened.

22 Q. The incident report would have been
23 what Strong did subsequent to this?

24 A. An incident report is what we would do
25 for everything, you know, include everyone's

1 statement and stuff.

2 Q. That's this, Exhibit 2?

3 A. Yes.

4 Q. This would have been the incident
5 report. That's a statement.

6 A. Yes.

7 Q. So you had been trained after this
8 incident, you had been trained on doing these?

9 A. Yes.

10 Q. Did you ever have any training on doing
11 an incident report -- on a statement?

12 A. No.

13 Q. You just put it in there, just what you
14 remember?

15 A. Yes.

16 Q. And you're thorough, accurate, complete
17 with what you've given, right?

18 A. Yes.

19 Q. Let me ask you about this: About the
20 third line down, it says, Noticed a guy -- well,
21 inside The Ledge, the first line. I noticed a guy
22 who was being punched in the face by another guy.
23 I pulled them apart. John took the victim out
24 into the corridor, and I put the other guy -- the
25 other one on the wall.

1 Now, the victim, according to what
2 you're saying, would have been Jordan, right?

3 A. Yes.

4 Q. So he would have been inside the
5 nightclub still?

6 A. Jordan?

7 Q. Right.

8 A. Yeah. He would have been in the
9 nightclub. You know, usually when we pulled them
10 apart, we separate them. One of us takes one into
11 the corridor and the other one --

12 Q. Per the video, Jordan was never taken
13 into the corridor before being --

14 A. But I didn't know that.

15 MS. STEEL:

16 Object to the form.

17 MR. BELLINDER:

18 Q. Where did you get this information?

19 A. This was what my gist of the night was.

20 Q. Your gist was that the victim, Jordan,
21 was taken out into the corridor?

22 A. Yes.

23 Q. But that wasn't done at this time.

24 A. I wasn't aware of that. At that
25 time --

1 Q. Your back was to -- you thought he had
2 been taken out?

3 A. Yes.

4 Q. But now, you see where you're there,
5 where the security guard is holding him on the
6 ground?

7 A. Yes. In the corridor, yeah.

8 Q. So the area where this took place is
9 the corridor?

10 A. The area where what took place?

11 Q. Where this entire incident, where we
12 just watched this video, that's the corridor?

13 MR. STEWART:

14 Objection. Multiple.

15 MR. BELLINDER:

16 Q. What is the corridor that you're
17 referencing there?

18 A. The corridor is where the podium is, at
19 the time top of the stairs, where the video you
20 showed me, where BP came in and I was standing.

21 Q. That's the corridor. Okay. That's
22 what I was trying to clarify. That area is called
23 the corridor?

24 A. Well, I call it -- like a foyer, I
25 guess. I call it the corridor.

1 Q. Then you reference when Jason got
2 there, that's Jason Strong, he took the one that
3 you had for holding. That's Soukup. How did you
4 find out that he was taken to holding?

5 A. Only because at that point he was the
6 aggressor. When Jason got there, I told him he
7 was the aggressor. Jason talked to him and took
8 him to the interview room, I guess.

9 Q. You told Strong -- we have more than
10 one Jason. You called Jason Strong that this guy,
11 Soukup, was the aggressor. And, at that point,
12 Strong took over?

13 A. At that point when Jason came up there
14 to ask me what was going on, I said that Soukup
15 would have been -- was the aggressor, not -- you
16 know, I don't know exactly what happened. I
17 couldn't tell you. I would have just told him
18 this was the aggressor. This was my -- the victim
19 from my assessment of it.

20 Q. Okay. And so, then, Strong would have
21 taken over at that point?

22 A. Yes.

23 Q. As far as Soukup was concerned?

24 A. Yes.

25 Q. Do you recall seeing Strong handcuff

1 Soukup?

2 A. No, I don't.

3 Q. Do you know if he ever handcuffed him
4 or not?

5 A. I don't know.

6 Q. Are you or is security trained on
7 arrests?

8 A. No, not officers.

9 Q. Security is not police officers?

10 A. No, not at all.

11 Q. And that's in the policy. It says --

12 A. Not at all.

13 Q. -- specifically y'all are not police
14 officers?

15 MR. STEWART:

16 Let him finish.

17 MR. BELLINDER:

18 Q. It says that in the policy, right?

19 A. Uh-huh.

20 Q. And so anything as far as a citizen's
21 arrest or an actual physical arrest of somebody,
22 that's not within y'all's training, it's not in
23 your purview; you don't do that?

24 A. I don't, no.

25 Q. Do you recall an ambulance being called

1 at some point?

2 A. I don't remember.

3 Q. Do you remember seeing an ambulance?

4 A. I don't recall.

5 Q. Have you ever seen somebody drug out of
6 a casino like this before?

7 MS. STEEL:

8 Object to the form.

9 MR. BELLINDER:

10 Q. Had you ever seen somebody drug out of
11 a casino like this before?

12 MS. STEEL:

13 Object to the form.

14 MR. BELLINDER:

15 Q. You can answer. Had you ever seen
16 this?

17 A. No.

18 Q. Have you ever seen it since?

19 A. No.

20 Q. After this was over, were you
21 approached by anyone with the casino to -- in the
22 course of the investigation, did anybody come up
23 to you -- and now, we talked about Strong. We
24 believe this to be Strong that asked you to do a
25 written statement; is that right?

1 A. Probably.

2 Q. Anybody other than Strong come up to
3 you and ask you what happened?

4 A. No.

5 Q. Any police come up and communicate with
6 you about this?

7 A. I don't recall.

8 Q. Do you know who Matthew Martin is?

9 A. No.

10 Q. Other than this report, did you do any
11 other type statements, any other reports, any
12 affidavits besides this one that we looked at?

13 A. No.

14 Q. Besides the one we looked at as it
15 relates to this particular set of incidents?

16 MR. STEWART:

17 Exhibit 3 is what you're pointing to.

18 MR. BELLINDER:

19 Q. Exhibit 3.

20 A. No.

21 Q. Have you seen or talked to Jason Jordan
22 since this?

23 A. No.

24 Q. Same question for Alyssa Jordan?

25 A. No.

1 Q. And the same question for Chris Soukup?

2 A. No.

3 Q. Were you requested to look at or review
4 any of the other documents as it relates to the
5 incident report form here?

6 A. No. I've only seen my statement.

7 Q. And that's your only involvement in any
8 type of investigation is just your statement?

9 A. Yes.

10 Q. Were you ever asked to come to the
11 police station for any issue involving this?

12 A. I don't recall.

13 Q. Do you remember, was there anybody else
14 with you that would have seen Soukup be the
15 aggressor as we've described it?

16 A. I don't recall. I'm sure people in the
17 club.

18 Q. And what I mean, anybody else with the
19 casino, any other security personnel that happened
20 to be with you at that time that would have seen
21 the same thing you saw?

22 A. Oh, I don't remember.

23 Q. Anything else you can recall about this
24 incident that we haven't looked at on the video
25 and we haven't talked about?

1 A. No.

2 Q. Let me just ask you, the surveillance
3 incident report for this references you
4 restraining the white male patron later identified
5 as Chris Soukup and security officers Brown and
6 Dixson attempting to separate two males that were
7 apparently fighting. Do you recall who that other
8 male was?

9 A. I don't.

10 Q. Do you recall there being another male
11 fighting with Jordan?

12 A. I don't recall.

13 Q. There is a reference to a Travis Hart.
14 Did you ever hear somebody say the name Travis
15 Hart that night?

16 A. I haven't heard that name.

17 Q. Later -- it seemed to be a
18 misidentification. Later, the person they were
19 calling Travis Hart was actually Jordan. But you
20 didn't hear any of that?

21 A. Not that, no.

22 Q. You didn't actually arrest or put
23 handcuffs on anybody?

24 A. No.

25 Q. Just a moment. I think I'm done.

1 You're not aware of any injuries or
2 any -- were you made aware or did anybody tell you
3 about any injuries on behalf of any of those three
4 people we have talked about?

5 MR. STEWART:

6 Outside of conversations with counsel.

7 MR. BELLINDER:

8 Q. Like we talked about before, we
9 can't -- aside from --

10 A. I don't recall, no.

11 MR. BELLINDER:

12 Okay. I think that's it.

13 MS. STEEL:

14 I have some questions.

15 EXAMINATION

16 BY MS. STEEL:

17 Q. I'm Tere Steel, and I represent the
18 city of Biloxi in the case. I'm going to ask you
19 some questions. If you don't understand my
20 questions, tell me and I will try to rephrase.

21 Was the altercation between Mr. Soukup
22 and Mr. Jordan in the foyer area?

23 A. No.

24 Q. Where did the altercation take place?

25 A. In the nightclub outside of the

1 corridor, foyer. In between the bar and the
2 corridor.

3 Q. Now, you saw the police arrive,
4 correct?

5 A. On the video, yes.

6 Q. Well, you were there when they arrived?

7 A. Yes.

8 Q. You saw them in person that night --

9 A. Yes.

10 Q. -- or that morning, rather --

11 A. Yeah.

12 Q. -- arrive?

13 The police didn't go into the club, did
14 they?

15 A. No. They were in the corridor.

16 Q. The corridor equals the foyer; is that
17 correct?

18 A. Yes.

19 Q. And you wrote in your report the
20 corridor.

21 A. Yes.

22 Q. When you wrote in your report "the
23 corridor," were you referencing the foyer?

24 A. The foyer, yes.

25 Q. Now, when you saw the altercation, you

1 saw Jason Jordan being punched; is that correct?

2 A. Yes.

3 Q. What part of Jason Jordan's body was he
4 punched?

5 A. He was hitting his face. Soukup was
6 hitting Jordan's face.

7 Q. With what part of Soukup's body was he
8 hitting Jordan's face?

9 A. His fist.

10 Q. Thank you.

11 When the police arrived, did you see
12 Jason Jordan?

13 A. Yes.

14 Q. He was lying on the floor in the foyer;
15 is that correct?

16 A. Yes.

17 Q. Was he moving around?

18 A. Yes.

19 Q. Was he talking?

20 A. Yes.

21 Q. When the police approached him, did you
22 see Jason Jordan resist --

23 MR. BELLINDER:

24 Object to the form.

25 MS. STEEL:

1 Q. -- their efforts?

2 Let me rephrase. When the police
3 approached Jason Jordan, did you see any efforts
4 by the police to handcuff Jason Jordan?

5 A. Yes.

6 Q. Did Jason Jordan cooperate or did --

7 A. No.

8 Q. Thank you.

9 MR. BELLINDER:

10 Object to the form.

11 MS. STEEL:

12 Q. At the time the police attempted to
13 handcuff Jason Jordan, was Jason Jordan moving?

14 A. Yes.

15 Q. Was he talking?

16 A. Yes.

17 Q. And did you see Jason Jordan tasered?

18 A. I don't recall.

19 Q. At any point, did you see Jason Jordan
20 lose consciousness?

21 A. No.

22 Q. After the police handcuffed Jason
23 Jordan, did you see the police get him up?

24 A. Yes.

25 Q. Did the police give Jason Jordan an

1 opportunity to stand up?

2 MR. BELLINDER:

3 Object to the form.

4 A. Well, yes, because they kept saying,
5 Stand up. And he kept saying, No, F you.

6 MS. STEEL:

7 Q. Now, as you were walking, you were
8 walking behind the police officers carrying Jason
9 Jordan, correct?

10 A. I wasn't carrying -- oh, I was walking
11 behind the police officers, yes.

12 Q. Yes, ma'am. And while you were in that
13 position of walking behind, did you hear Alyssa
14 Jordan make any comments to her husband, Jason
15 Jordan?

16 A. Yes.

17 Q. What was she saying?

18 A. She kept telling him to calm down and
19 listen and, you know, stop fighting, like, you
20 know, stop -- like not being cooperative, I guess
21 you could say.

22 Q. Okay. Now, as Biloxi police officers
23 carried Jason Jordan out through the casino and
24 out of the casino, was Jason Jordan moving around?

25 A. Yes.

1 Q. Was he saying anything?

2 A. Yeah, just -- I don't recall exactly
3 what was said, but I just remember him being very
4 loud.

5 Q. As Biloxi police officers carried Jason
6 Jordan out, did you see them intentionally drop
7 him?

8 MR. BELLINDER:

9 Objection.

10 A. No, I don't recall.

11 MS. STEEL:

12 Q. Did you at any point see the officers
13 use what you would call excessive force on Jason
14 Jordan?

15 MR. BELLINDER:

16 I'm going to object to the form. That
17 calls for a legal conclusion. She's not qualified
18 to give that.

19 MS. STEEL:

20 Then, can she go ahead and answer?

21 MR. STEWART:

22 Yeah, if you have an --

23 A. Did I feel like they were being --

24 MS. STEEL:

25 Q. Did you feel like -- did you see

1 anything that led you to believe or made you think
2 that the police were using too much force on Jason
3 Jordan?

4 MR. BELLINDER:

5 Object to the form.

6 A. No, not from my perception, I guess.

7 MS. STEEL:

8 Q. Ms. Flannigan, what's your estimation
9 of how many people were in the club when the
10 altercation occurred?

11 A. I don't know.

12 Q. More than 100?

13 A. Probably more than 100, yeah.

14 Q. And all those people had to leave the
15 club after the altercation, correct?

16 A. I don't recall, but surely.

17 Q. Do you recall if the club was shut
18 down?

19 A. Yeah, I'm sure it was, but I don't
20 recall.

21 Q. Okay. And the foyer was a means for
22 the patrons to exit the club; is that correct?

23 A. Yes. That's the only exit that guests
24 would be aware of, I guess, without being an
25 emergency.

1 Q. Did you see any attack of Alyssa Jordan
2 by the Biloxi police officers?

3 MR. BELLINDER:

4 Object to the form.

5 A. Are you saying did she attack them, or
6 did they attack her?

7 MS. STEEL:

8 Q. Well, I was asking whether -- I'm going
9 to rephrase that.

10 A. Okay. Sorry.

11 Q. Thank you for pointing that out.

12 As you were following behind, did you
13 see a Biloxi police officer physically attack
14 Alyssa Jordan?

15 A. No.

16 Q. Did you see a Biloxi police officer
17 make any physical contact with Alyssa Jordan,
18 other than to apply handcuffs?

19 A. No.

20 MS. STEEL:

21 That's all I have.

22 EXAMINATION

23 BY MR. CLARK:

24 Q. My name is Austin Clark. I'm
25 representing Joshua Hamilton. I want to go back

1 up to the altercation, you said you saw Soukup
2 hitting Jordan.

3 A. Uh-huh.

4 Q. Do you recall how many times when you
5 walked into the club, how many times you saw
6 Soukup hitting him?

7 A. I don't recall, no.

8 Q. And he was physically on top of him or
9 was he standing?

10 A. He was like on -- had him on the ground
11 and hitting him. So I really don't recall. I
12 just remember rushing over there, pulling them
13 apart and pushing Soukup to the wall. That's it.
14 Trying to talk to him.

15 Q. Did you know any of the other -- did
16 you know any of the Biloxi police officers that
17 arrived on the scene?

18 A. No. Just from coming to the Hard Rock,
19 that's about it.

20 Q. You didn't know any of them personally?

21 A. No.

22 MR. CLARK:

23 Okay. That's all I have.

24 EXAMINATION

25 BY MR. BELLINDER:

1 Q. Just to clarify a few things. You
2 don't have any police training, right?

3 A. No.

4 Q. Don't have any background in use of
5 force training?

6 A. No.

7 Q. You don't have any legal background,
8 any law school, anything like that?

9 A. No.

10 Q. Okay. You have been a security guard
11 or a security officer there, you said, since 2010?

12 A. Yeah.

13 Q. The better part of -- we'll call it
14 four years?

15 A. Probably three years. I have been in
16 beverage maybe a little over a year.

17 Q. In this nightclub and casino, you've
18 probably seen countless number of fights; is that
19 fair?

20 MR. STEWART:

21 Object to form.

22 MR. BELLINDER:

23 Q. Could you quantify how many fights,
24 altercations that you've seen or heard of, caught
25 wind of?

1 A. No.

2 Q. It's a lot? Is it fair to say a lot?

3 MR. STEWART:

4 Object to the form.

5 A. No, I wouldn't say a lot.

6 MR. BELLINDER:

7 Q. Once a week, twice a week, how often
8 does an altercation break out in the casino?

9 A. At that time?

10 Q. Since you've been there.

11 MR. STEWART:

12 Object to the form. Did you say in the
13 casino?

14 MR. BELLINDER:

15 Q. Casino or the nightclub. In the Hard
16 Rock Hotel and Casino Biloxi.

17 A. I don't know.

18 Q. About on average?

19 A. Maybe one every six months. I don't
20 know.

21 Q. One fight every six months? That's
22 pretty good.

23 A. Maybe. I -- yeah, I couldn't give you
24 a number.

25 Q. People being drunk probably happens

1 nightly, don't you think?

2 MR. STEWART:

3 Object to form. Calls for speculation.

4 MR. BELLINDER:

5 Q. You've been there four years.

6 A. Yes.

7 Q. You see somebody drunk, the afternoon
8 sometimes depending on --

9 A. My perception of them being
10 intoxicated, yeah, I guess.

11 Q. Even people resisting security, people
12 resisting police, you've seen that on the premises
13 before?

14 MS. STEEL:

15 Object to the form.

16 MR. BELLINDER:

17 Q. Go ahead. You've seen people
18 resist security; you've seen people resist police
19 before, right?

20 A. Yes.

21 MS. STEEL:

22 Object to the form.

23 MR. BELLINDER:

24 Q. Ballpark, how many times do you think
25 you've seen that?

1 A. People resist?

2 Q. Yes.

3 A. Don't want to do what we ask them to?

4 Q. All the time, right?

5 A. I would say, yeah, a few times, yes.

6 Q. But this is the only time you've ever
7 seen somebody drug out like that, right?

8 MS. STEEL:

9 Object to the form.

10 MR. BELLINDER:

11 Q. Go ahead. You can answer.

12 You testified earlier you had never
13 seen somebody drug out before -- before this or
14 since this?

15 MS. STEEL:

16 Object to the characterization --

17 MR. BELLINDER:

18 Q. Go ahead. That was your testimony --

19 MS. STEEL:

20 Let me finish my objection. Object to
21 the characterization of her testimony and object
22 to the form.

23 MR. BELLINDER:

24 Q. You testified earlier that you had
25 never seen anybody drug out like this before and

1 you hadn't seen anybody drug out like this since,
2 right?

3 MS. STEEL:

4 Same objection.

5 MR. BELLINDER:

6 Q. Right?

7 A. That I have seen.

8 Q. Right.

9 A. No.

10 Q. Have you heard of anybody being drug
11 out like this since?

12 MS. STEEL:

13 Same objection.

14 A. No.

15 MR. BELLINDER:

16 That's all I have got. Thank you so
17 much. We appreciate your time.

18 (Deposition concluded at 11:50 a.m.)

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CERTIFICATE OF COURT REPORTER

I, Janna White, CSR #1312, do hereby
certify that the foregoing pages contain a true
and correct transcript of the testimony of the
witness as taken by me at the time and place
heretofore stated and later reduced to typewritten
form by computer-aided transcription under the
authority vested in me by the State of Mississippi
to testify to the truth and nothing but the truth
in this cause and was thereupon carefully examined
upon this oath.

I further certify that I am neither
attorney or counsel for nor related to or employed
by any of the parties to the action in which this
deposition is taken and further that I am not a
relative or employee of any attorney or counsel
employed by the parties hereto or financially
interested in the action.

Witness my signature, this the ____ day
of _____, 2014.

Janna White, CSR #1312